

## REMARKS

Claims 1, 3, 13, and 14 have been amended and claim 2 has been cancelled. Accordingly, claims 1, 3-6 and 8-25 are pending in the present application. The claim amendments are supported by the specification, the accompanying figures, and claims as originally filed, with no new matter being added. In particular, claims 1 and 13 have been amended to include the limitations of the previous versions of pending claims 2 and 14 and claim 14 has been amended solely to remove two limitations that were added to parent claim 13. Accordingly, favorable reconsideration of the pending claims is respectfully requested.

### 1. Rejections Under 35 U.S.C. § 102

Claims 1, 8-10, 12, and 13 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,792,687 to Jeng et al. (hereinafter “Jeng”). Applicants respectfully traverse.

Present claims 1 and 13 have been amended to recite, “a dielectric layer situated above the lower bulk insulator layer; a conductor layer situated above the dielectric layer ~~lower bulk insulator layer~~.” Thus, the amendment to claim 1 adds the limitations of former claim 2, which the Examiner has indicated contains allowable subject matter. Similarly, the amendment to claim 13 adds a portion of the limitations of previous claim 14, and which the Examiner has also indicated includes allowable subject matter.

Accordingly, Applicants respectfully assert that claims 1, 8-10, 12, and 13 are not anticipated by Jeng. Applicants therefore respectfully request that the rejection of claims 1, 8-10, 12, and 13 under 35 U.S.C. § 102(e) be withdrawn.

2. Rejections Under 35 U.S.C. § 103

Claim 11 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Jeng* in view of U.S. Patent No. 6,198,143 B1 to Ohsaki (hereinafter "*Ohsaki*"). Applicants respectfully traverse.

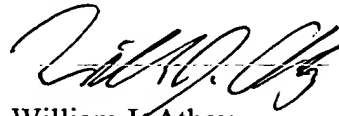
Claim 11 depends from claim 1 and thus includes the limitations thereof. As previously discussed, claim 1 recites, among other things: "a dielectric layer situated above the lower bulk insulator layer; a conductor layer situated above the dielectric layer ~~lower bulk insulator layer.~~" There is no teaching or suggestion in *Jeng* or *Ohsaki* of these recitations in present claim 1. Thus, even if the teachings of these cited references are combined, not all of the limitations of claim 11 would be met. Accordingly, Applicants submit that claim 11 would not have been obvious over the cited references and Applicants therefore respectfully request that the rejection of claim 11 under 35 U.S.C. § 103(a) be withdrawn.

### CONCLUSION

In view of the foregoing, Applicants respectfully request favorable reconsideration and allowance of the present claims. In the event the Examiner finds any remaining impediment to the prompt allowance of this application, which could be clarified by a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney.

Dated this 21 day of November 2003.

Respectfully submitted,



William J. Athay  
Attorney for Applicants  
Registration No. 44,515  
Customer No. 022901

Telephone: (801) 533-9800  
Fax: (801) 328-1707

W:\11675\99.1\VF\W0000002624V001.doc